

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark Godden, Lisa Brant, Thomas Gordon  
Serial No.: 10/528,442 Group Art Unit: 2861  
Filed: March 29, 2004 Examiner: Feggins, Kristal J.  
Confirmation: 4270  
For: SYSTEM AND METHOD OF EMPLOYING INDICIA ON WEB MATERIAL AND WEB MATERIAL USING SAME

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the Official Action due April 13, 2007 requiring an election of species, Applicant respectfully submits the following response.

I. The Examiner's Election Requirement

The Examiner is requiring that the application be restricted into the following groups of claims:

- I/II. Claims 1-7, 24-31, 32-33, drawn to a doner web., classified in class 428, subclass 32.77 or Claims 8-17, drawn to a, a method of applying indicia on a doner web, classified in class 427, subclass 152.
- III. Claims 18-23, drawn to a system for applying indicia, classified in class 347, subclass.

The Examiner is requiring a further restriction because of the following

reasons:

- I. Claims 1-7, 24-31, 32-33, are drawn to a doner web, and classified in class 428, subclass 32.77.
- II. Claims 8-17, are drawn to a method of applying indicia on a doner web, and classified in class 427, subclass 152.

Accordingly, the Examiner has required Applicants to elect a single disclosed species for prosecution. No claims were noted by the Examiner as being generic.

**II. Applicants' Election of Species**

Applicants respectfully disagree that the Examiner's requirement is proper. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness in this application, applicants elect with traverse to pursue prosecution and provisionally elect *Group I drawn to a doner web as claimed in Claims 1-7, 24-31 and 32-33.*

Should any of these claims be found generic and allowed, it is noted that the Applicant is entitled to a reasonable number of species. The Examiner is respectfully requested to reconsider this election requirement if such a claim is found. In the event that the Examiner does not withdraw the requirement, Applicants expressly reserve the right to timely file a divisional application directed to the non-elected subject matter.

**III. Applicants' Traversal**

This election is made with traverse. Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse

searching should not be required since all the claims are in the same class; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and should be examined together to expedite the patent processes in accordance with U.S. Patent and Trademark Office Business Goals and an action on the merits of all the claims is respectfully solicited.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned attorney.

AUTHORIZATION

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4758-4101US1**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,

**MORGAN & FINNEGAN, L.L.P.**



Date: March 30, 2007

By: \_\_\_\_\_

Keith J. McWha  
Registration No. 44,235

Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
Telephone: 212-415-8700  
Facsimile: 212-415-8701